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| <b>MICHIGAN DEPARTMENT OF<br/>STATE POLICE</b><br><br>ORIGINAL INCIDENT REPORT | ORIGINAL DATE:<br>Tue, Oct 23, 2018     | INCIDENT NO:<br>050-0000338-18 |                    |
|  | TIME RECEIVED:<br>0855                  | FILE CLASS:<br>09006           |                    |
|  | WORK UNIT:<br>5TH DISTRICT HEADQUARTERS | COUNTY:<br>BERRIEN             |                    |
| COMPLAINANT:<br>PATROL   |   | TELEPHONE NO:                  |                    |
| ADDRESS: STREET AND NO:<br>108 W MICHIGAN AVE                                  | CITY:<br>PAW PAW                        | STATE:<br>MI                   | ZIP CODE:<br>49079 |
| INCIDENT STATUS:<br>OPEN   |   |                                |                    |

## IN-CUSTODY DEATH

### SUMMARY:

On 10/22/18, I was called by Insp. Hinz, MSP regarding an in-custody death that occurred in the early hours of that date. He advised that the Berrien County Sheriff's Department and the Berrien Springs PD were involved, and they wished to have the MSP handle the investigation. I was able to contact Undersheriff Heit and Chief Toliver, who both advised they wanted MSP to conduct the investigation.

### VENUE:

BERRIEN COUNTY  
201 W MARS  
BERRIEN SPRINGS, MI  
AT OR NEAR: 5TH 3RD BANK

### DATE & TIME:

ON OR AFTER: MON, OCT 22, 2018 AT 0127 AND BEFORE: MON, OCT 22, 2018 AT 0255

### CONTACT WITH UNDERSHERIFF HEIT AND CHIEF TOLIVER:

Upon speaking with the undersheriff and chief, I was given a very brief summary of what they believed happened. I learned that Ofc. WYSS was called to an MDOP/B&E where a suspect had been attempting to steal or break a window unit air conditioner. Ofc. Wyss had arrived on scene and spotted the suspect down the road, however, apparently lost him after attempting to run after him. Sgt. ROGER JOHNSON, BCSD, spotted the suspect and confronted him near the 5<sup>th</sup> Third Bank. WYSS and JOHNSON attempted to handcuff the suspect (later identified as LUNNEEN), however, he resisted. They advised that they thought Ofc. Wyss had used OC spray on LUNNEEN and Sgt. JOHNSON had used his Tazer on LUNNEEN. After taking LUNNEEN into custody, he was taken by ambulance to Lakeland hospital for medical complications, where he died.

I then inquired about any vehicle or body camera footage. Undersheriff HEIT advised me that Sgt. JOHNSON would have body camera footage, however, his vehicle camera would not have been activated, due to his

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**MICHIGAN DEPARTMENT OF  
STATE POLICE****ORIGINAL INCIDENT REPORT**

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CTY: PAW PAW ST: MI WGT: FBI:  
TXH: ZIP: 49079 HAI: MNU:  
TXW: 2696576081 EYE: PR:  
SMT:

**VICTIM:**

NAM: JACK CLEMENT LUNNEEN  
BIR: RAC: White ETH:  
NBR: 1422 DIR: SEX: MALE DL: /  
STR: GRANGE DOB: '1967 SSN:  
SFX: Road HGT: 5'09" SI:  
CTY: MATTAWAN ST: MI WGT: 215 FBI:  
TXH: ZIP: 49071 HAI: Brown MNU:  
TXW: EYE: PR:  
SMT:

**AMBULANCE & PERSONNEL:**

Identified by D/Sgt. Kill.

**NOTIFICATION OF KIN:**

Chief Toliver, Berrien Springs PD advised me that he had made notifications to the family in reference to LUNNEEN's death.

**AUTOPSY:**

Conducted on Wednesday, 10/24/18 by Dr. Beth Douglas. The results will be forwarded to the prosecutor's office and placed into the master file upon receipt.

**IN CAR VIDEO:**

I was advised by Chief Toliver and Undersheriff Heit that neither officer had in-car video, due to the officer's overhead lights were not activated. Body camera video was obtained for each officer, however.

**VICTIM:**

NAM: JACK CLEMENT LUNNEEN  
BIR: RAC: White ETH:  
NBR: 1422 DIR: SEX: MALE DL: /

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ORIGINAL INCIDENT REPORT

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|------|----------|------|-------|------|
| STR: | GRANGE   | DOB: | /1967 | SSN: |
| SFX: | Road     | HGT: | 5'09" | SI:  |
| CTY: | MATTAWAN | ST:  | MI    | FBI: |
| TXH: |          | WGT: | 215   | MNU: |
| TXW: |          | HA:  | Brown | PR:  |
| SMT: |          | EYE: |       |      |

**EXTERNAL DOCUMENTS:**

Tazer download from Sgt. Johnson's Tazer-obtained by D/Sgt. Casperson  
911 call/traffic log-obtained by D/Sgt. Casperson

**STATUS:**

OPEN, pending officer's statements, autopsy results, and prosecutor's review.

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|  | SUPPLEMENTARY DATE:<br>Wed, Oct 31, 2018 | FILE CLASS:<br>09006           |
| INCIDENT STATUS:<br>OPEN   |  |                                |

**IN-CUSTODY DEATH****NO JOURNALS****OTHER PERSON**

NAM: TIFFANY LYNN PROSSER

BIR:

NBR: 1935 DIR:

STR: HINCHMAN

SFX: Road

CTY: BARODA ST: MI

TXH: ZIP: 49101

TXW:

MB: (815) 530-5163

SMT:

RAC: White

SEX: FFMALE

DOB: 1981

HGT: 5'01"

WGT:

HAIR:

EYE:

ETH:

DL:

SSN:

SI: /

FBI:

MNU:

PR:

MI/P626793564605

**INTERVIEW PROSSER:**

On 10/30/18 I received a call from PROSSER in reference to this complaint. PROSSER advised that she is a niece of LUNNEEN and she was calling on behalf of the family and wanting some information reference this case. I advised her of my portion of the investigation, and she then added some things that she has learned in reference to LUNNEEN. PROSSER advised that LUNNEEN was a smoker and also drank alcohol. I asked if he ever used drugs. PROSSER advised that she was unsure. She did advise that in early September, he was severely assaulted with a baseball bat and admitted into the hospital for injuries. Ever since then, she advised he was scared for his safety, but she was unsure of the reason for the assault.

PROSSER then stated that she heard from a guy named BILL (unknown on any further) that BILL had been drinking with LUNNEEN on the night he died. She also advised that LUNNEEN had been working for a few weeks near the area that he had died recently as a construction worker. I then asked if he had a wife or girlfriend. She advised that he was divorced, but was unsure of a girlfriend. She could offer nothing further.

**OFFICER'S STATEMENTS:**

On 10/25/18, I received an email from Sgt. Johnson, BCSD with an attached copy of his written statement, and advising that a signed copy would be waiting for me at the BCSD. On 10/30/18, I was able to obtain the signed copy of the statement. This will be placed into external documents.

On 10/24/18 I was advised by Chief Toliver that they had discovered a video visitation with information pertinent to this case that I would be interested in. He also advised that he had Ofc. Wyss' statement which I

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**BODY CAMERA SUMMARY:**

This summary is for Ofc. WYSS:

The camera turns on at approximately 0128 hours. It appears that Ofc. WYSS is driving around searching for the subject for several minutes. At approximately 0135, Ofc. WYSS confirms the address is 101 W. Union, then advises dispatch that he is going to make contact with the caller. At approximately 0136, Ofc. WYSS does make contact with a female at the residence. The female advised the officer that "a crazy man, no shirt on, white male, about 45-55 y/o made a circumference around the house and was hollering for help." She said she first heard him yelling between the two houses, then she hear him yelling in the back asking for help. She said the man then dug through her recycling bin. She said he then went to the front and then began punching through the sides of the air conditioner and pushed it through into her living room. Ofc. WYSS advised her that he could see some broken glass as he was walking up. The woman then said that she was afraid he was going to climb in the house. The woman then gave her name as EILEEN DRY. Ofc. WYSS then advised her that it may be the same guy who had came up to his vehicle earlier in the night, spouting a bunch of nonsense, then rode away on a bicycle. She then confirmed that this guy did not have a shirt on and she didn't know if he was a local guy or not.

At approximately 1:41, Ofc. WYSS states, "there he is" and spots the subject. He calls into dispatch that he sees the suspect and calls out the direction and description. **Ofc. WYSS takes off on foot after him, however, it appears that he is walking.** He advises that he went into someone's back yard, then into an alley. Ofc. WYSS then loses the subject and goes back to his vehicle. He then drives to a location and gets out. From his body camera, you can see the suspect on his knees in front of a patrol vehicle and another officer is talking to him. Ofc. WYSS then walks up and the subject begins to get up and Ofc. WYSS tells him to stay on the ground. The subject gets to his feet after the command to stay on the ground. Ofc. WYSS then again tells him to stay down, so he gets back down on his knees. It appears that the suspect then yells "help". Ofc. WYSS then asks him what's going on. The suspect then asks the other officer if he can stand up and the other office says ok. The suspect then stands up. **As the subject begins to speak, it appears that he is out of breath.** He said what's going on is that he has been working hard and he's an addict and right now, it's climaxing.

It should be noted that as he is talking, I can see what appears to be blood on his right hand.

He then says something that's inaudible and then yells something like, help yea, call them, my people are here too. I went and told them all, didn't say a word to nobody.

He then walks back from the police car and says he knows what's happening, that "you guys" are going to kill him. Ofc. WYSS then replies calmly that no one is going to kill him tonight. The assisting officer then asks if Ofc. WYSS has PC (implying for arrest). Ofc. WYSS then replies that yes, he has MDOP. They then walk toward the subject and ask him to turn around. At this point, the subject turns his back to the officer and starts to walk away. The officers tell him, no, right here. Ofc. WYSS attempts to grab his arm, however, the subject pulls his arm away. The subject then walks backwards away from the officers and yells help again. The video then shows a red dot on his chest/abdomen area and an officer advises him to comply or he will taze him. The subject continues to walk backwards away from both patrol vehicles. Officers then tell him to stop walking and put his hands behind his back. The subject continues to walk backwards away from officers yelling help and asking why they have to be this way. The assisting officer then advises him to get down on his knees or he will

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be tazed, however, he continues to walk backwards from the officers. Both officers then tell him to get down on his knees. As he approaches an intersection, an officer advises him that he is going to walk into traffic.

At this point the video is dark, however, it appears that the suspect tries to run between the officers back toward the patrol vehicles yelling help and don't shoot me. The officers then firmly command him to get down on his knees and to get down. They then calmly tell him to get down on his knees but he says no. The subject continues to yell help and then walks back toward the intersection again away from officers and their vehicles. Officers then tell him to stay out of the road as they are near the intersection. At this point Ofc. WYSS's body cam then shows the suspect aggressively walking toward the other officer while waving his arms in the air. The officer then tazes the subject while yelling to get down. The subject then runs away from the officer. He then yells help and runs toward Ofc. WYSS. At this point he walks/runs across the street farther away from the patrol vehicles with Ofc. WYSS yelling for him to stop. **The subject continues to yell help and I'm sorry. The subject then goes between walking backwards and walking toward the officers.** The officers continue to give commands such as "stay back", however, the subject does not comply with the commands. At approximately 1:47:01 or 1:47:10, it appears that Ofc. WYSS may have sprayed the suspect with pepper spray, however, it is difficult to tell on the video.

The suspect then runs away from the officers yelling help again. Ofc. WYSS continues to calmly tell him to get down on his knees, however, he continues to disobey commands. At this point, the subject is across the street and just into the Fifth Third bank parking lot. The officers then try to grab his arms, however, he pulls away and resists the officer's attempts to grab him. At this point in the video, the officers are able to grab the subject, however, due to the close proximity of the officers and the suspect, the video is very dark. The officers do tell him to get on his stomach and roll over. The suspect does again yell "help" as he has previously. It does appear at one point in the video when the officers are telling him to roll over, that the suspect is on his back. At this point, as the officers are telling him to roll over, one officer tells him not to grab him and the suspect says "I won't". The officers then continue to tell him to give them his hands, and the suspect continues to say some things that are inaudible. At approximately 1:48:41, an officers says, "let go of me, let go of me." They officers then continue to struggle to handcuff the suspect, and at 1:48:51, the suspect says, "I apologize". The officers then continue to try get the suspect into handcuffs.

It then appears that at approximately 1:49:18 Ofc. WYSS gets his handcuffs and begins to handcuff the suspect and that appears to be the last time I could hear anything audible from the suspect. At approximately 1:49:35 it appears that both handcuffs have been applied to the suspect. At 1:49:52, one officer gets on the radio to dispatch and advises them to speed up medic. **The officers then tell the suspect to wake up, however, it does not appear that he is moving at this point.** At approximately 1:51:00, Sgt. JOHNSON appears to be flagging down someone from the road. At approximately 1:52:07, Sgt. Johnson walks back over and asks if the suspect is breathing. The officers then shake him in an attempt to wake him up and Sgt. JOHNSON says that they need to get some Narcan, because he doesn't know what the suspect took. At approximately 1:52:30, the paramedic pulls into the parking lot. EMS then takes over medical care on the suspect.

**SGT. JOHNSON'S BODY CAM SUMMARY:**

The time stamp on the video shows that it begins at 05:41:51, however, it is believe that this is the incorrect time. It appears that Sgt. JONSON gets out of his patrol car at approximately 05:42:53 and makes contact with the suspect. The suspect is told by Sgt. JOHNSON to stay where he is, however, he continues to walk in front of the patrol car and toward JOHNSON. The suspect finally complies and ask for help, then asks Sgt. JOHNSON to tell him he is hallucinating. The suspect then asks if they are trying to kill him. At approximately

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05:43:29, it shows Ofc. WYSS pulling up. It should be noted that the suspect does appear out of breath while talking. At approximately 05:43:50, Sgt. JOHNSON calls dispatch on the radio and asks for them to start medic that way due to possible excited delirium. This is the point where Ofc. WYSS asks what's going on and that subject says that he has been working hard and he is an addict. They then tell him to turn around and put his hands behind his back, however, he doesn't comply. **The video is then dark due to an obstruction,** however, Sgt. JOHNSON does give numerous verbal commands to get on his knees or he will be tazed. They continue to give verbal commands that aren't complied with **and what appears to be 05:46:31, it sounds like the tazer was deployed, however, the view was obstructed.** The subject is at this point across the street and is seen walking toward Ofc. WYSS. At 05:46:58, Sgt. JOHNSON asked Ofc. WYSS if he had spray and advised to spray him. At approximately 05:47:10, it does appear that Ofc. WYSS was spraying the suspect, however much of the view was obstructed. At approximately 05:47:31 is believed to be when the officers made physical contact with the suspect to begin handcuffing him. **At this point, due to the close proximity to Sgt. JOHNSON and the suspect, the video is obstructed,** however, the officers are continuing to give verbal commands for him to give them his hands and to roll over. At approximately 05:49:49, Sgt. JOHNSON gets up and calls to dispatch that he has been detained but to speed up medic because the suspect was having trouble breathing but they can't tell what's wrong with him. Sgt. JOHNSON then tells him to wake up and the subject is not moving, so he advises dispatch to advise medic it's a priority 1. The medic is then seen pulling up a block or so away next to the patrol vehicles. Sgt. JOHNSON notices this and attempts to flag him down and tells dispatch to advise the medic of their location. Sgt. JOHNSON then asks if he's breathing and states that they need Narcan. At this point, the medic arrives on scene. They then unhandcuff the subject and roll him on his back. The medic asks them what he took and the officers advise that they don't know, but he was acting paranoid. At this point, the medic takes over. The medic then asks if he has any medical history. The officers advise that they don't know who he is, but he said he was an addict and he has hit a low point, and the thought they were trying to kill him, they tried tazing him and it didn't work. They then advises him that the subject was trying to swing at them and they took him down to the ground and he was very strong. The officer then said the subject was involved with meth, but didn't know the extent of his involvement. At this point, the subject was loaded onto the stretcher and taken into the ambulance.

**OTHER BODY CAMERA FOOTAGE:**

It should be noted that I was given additional body camera footage, due to 2 other officers arriving on scene after the medic had arrived. HAHN and VANKAMPEN's body camera video are on the same file as JOHNSON's body camera video. It should be noted that these 2 additional body camera video's depict similar events as JOHNSON and WYSS, only from different angles. One of VANKAMPEN's videos only depicts him driving in his patrol vehicle

**INTERVIEW WHITNEY MORALES:**

On 12/8/18, at approximately 2:30 PM, I went to the Berrien County Jail and spoke with MORALES in reference to LUNNEEN. This was due to the aforementioned jail visit conversation between MORALES and an unknown male (later identified as MORALES' brother).

I asked how she knew LUNNEEN. She said she had known him her whole life as he had been friends with her parents. She then said that later she became friends with him through drugs. MORALES advised that they were both involved in drugs. I then asked what kind of relationship they had right before he died. She said that they were kind of seeing each other and did drugs together, but it was mostly just a sexual relationship. I

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